

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JAISON O. HARNESS

PETITIONER

VS.

CIVIL ACTION NO. 3:12cv25-DPJ-FKB

TIMOTHY MORRIS

RESPONDENT

ORDER

This *pro se* prisoner case is before the Court on Magistrate Judge Ball's Report and Recommendation [19] on Petitioner Jaison O. Harness's Petition for a Writ of Habeas Corpus [1]. Judge Ball concluded that Harness's conviction for aggravated driving under the influence following the destruction of a blood sample tested by the state crime lab did not violate the standards of 28 U.S.C. § 2254(d). A copy of the report was mailed to petitioner on September 4, 2014. The mailed copy was returned as undeliverable on September 9, 2014. The envelope of the returned copy indicated that Harness is now on parole.

Under Uniform Local Rule 11(a), "[e]very attorney and every litigant proceeding without counsel has a continuing obligation to notify the clerk of court of address changes." Even "[i]ncarcerated plaintiffs have a duty to inform the court upon a change of address," and "[f]ailure to advise the court of a change in the plaintiff's address may result in dismissal." *Ainsworth v. Payne*, No. 1:05cv297LG-JMR, 2006 WL 2912571, at *1 (S.D. Miss. 2006).

Harness has failed to keep the Court apprised of his new address, and he has made no subsequent filings indicating a new address at which he can be reached. Moreover, Judge Ball warned Harness that "failure to keep this Court informed of his current address may result in the dismissal of this case." Order [6] Jan. 24, 2012, at 2. Because Harness has not complied with

the instructions of this Court, his opportunity to object is considered waived, and the Magistrate Judge's Report and Recommendation denying Harness's Petition will be adopted.

IT IS, THEREFORE, ORDERED that Magistrate Judge Ball's Report and Recommendation [13] is adopted, and Harness's Petition for a Writ of Habeas Corpus [1] is denied.

SO ORDERED AND ADJUDGED this the 30th day of September, 2014.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE